

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

KEILA MALDONADO, et al.,

Plaintiffs,

v.

Civil No. 11-2047 (GAG)

GABRIEL PLAZA-BATISTINI, et al.,

Defendants.

ORDER

Presently before the court is Defendants' motion for reconsideration (Docket No. 29) of the court's order granting Plaintiffs' motion for summary judgment (Docket No. 28). For the foregoing reasons, Defendants' motion is **DENIED**.

Local Rule 56(c) requires a party opposing a motion for summary judgment submit with its opposition a separate statement of material facts admitting, denying or qualifying the facts supporting the motion for summary judgment by reference to each numbered paragraph of the moving party's statement of material facts. See Local Rule 56(c). The opposing statement may contain, in a separate section, additional facts that are supported by the record and accompanied by a record citation as required by Local Rule 56(e). See id. Pursuant to Local Rule 56(e), "the court may disregard any statement of fact not supported by a specific citation to record material properly considered on summary judgment." Local Rule 56(e). "A party asserting that a fact cannot be or is genuinely disputed must support the assertion by citing to particular parts of materials in the record, including deposition, documents, electronically stored information, affidavits or declarations, stipulations . . . admissions, interrogatory answers, or other materials." FED.R.CIV.P. 56(c)(1)(A). "If a party fails to properly support an assertion of fact or fails to properly address another party's assertion of fact as required by Rule 56(c), the court may grant summary judgment if the motion and supporting materials—including the facts considered undisputed—show that the movant is entitled to it." FED.R.CIV.P. 56(e)(3).

Civil No. 11-2047 (GAG)

2

1 In the instant case, Defendants opposed summary judgment (Docket No. 23) and filed a
2 statement of uncontested material facts, which included an additional section titled "Statement of
3 Material Facts Which are in Controversy" (Docket No. 24). Defendants exclusively cite their answer
4 to the complaint in support of their proposed statement of fact. (See Docket No. 24 at 2 ¶¶ 1 & 2.)
5 Said documentation is insufficient for purposes of summary judgment. Defendants' answer to the
6 complaint, as the only document of record opposing Plaintiffs' motion for summary judgment, has
7 failed to contest the facts established by Plaintiffs "because said filings do not provide the basis for
8 Defendants' knowledge on these issues, aside from mere conjecture and unsupported speculation."
9 Hodge v. Roblex Aviation, Inc., Civil No. 09-1445 (SEC), 2010 WL 2852854 at *3 (D.P.R. July 20,
10 2010). Because the statements contained in Defendants' opposition to summary judgment were only
11 supported with citations to Defendants' answer to the complaint, they were disregarded by the court
12 when ruling on the motion for summary judgment at Docket No. 17.

13
14 **SO ORDERED.**

15 In San Juan, Puerto Rico this 14th day of May, 2012.

16 *S/Gustavo A. Gelpi*
17 GUSTAVO A. GELPÍ
18 United States District Judge
19
20
21
22
23
24
25
26
27
28